

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BARRY FREY,

v.

HERR FOODS INC. EMPLOYEE
WELFARE PLAN

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CIVIL ACTION

NO. 11-1416

ORDER

AND NOW, this 12th day of December, 2012, upon consideration of Plaintiff's Motion to Determine the Court's Standard of Review (ECF No. 7) and Defendant Herr Foods, Inc. Employee Welfare Plan's Response thereto, it is **ORDERED** that Plaintiff's Motion is **GRANTED**. The applicable standard of review in this matter is *de novo*.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRICK, J.